UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,902	01/22/2004	Pagy Cheng	DEE-PT149	6167

3624 7590 11/22/2005

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER	
DAGOSTA, STEPHEN M	
ART UNIT	**PAPER NUMBER**
2683	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,902	CHENG, PAGY	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5-6 rejected under 35 U.S.C. 102(b) as being anticipated Alameh et al. US 5,889,737.

As per **claim 1,** Alameh teaches a mobile communication device with a battery strap (figures 1-2 and C2, L51-65 teaches mobile communications device such as cell phone, two-way radio or pager), comprising:

a main device (figure 1, #12 is the main electronic portion of the wrist-worn device); and

a battery strap electrically connected to said main device for providing a battery power to said main device and worn by a user (figure 2, #32 and figure 3, also see C3, L20-28 and C4, L10 to C5, L57 which discusses the wristband battery cell).

As per **claim 3,** Alameh teaches claim 1, wherein said main device is a wireless phone (C2, L61-65 teaches a cellular phone).

As per **claim 5,** Alameh teaches claim 1, wherein said battery strap is flexible (figures 1, 2 and 4 shows the wristband/battery being flexible since it is shown bent/flexed in figures 1-2 while being straight in figure 4. The Abstract states that the battery strap is flexible).

As per **claim 6,** Alameh teaches claim 1, wherein said battery strap is a rechargeable battery (C1, L45-50 teaches rechargeable battery technology).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha and further in view of Karhu US 6,535,461.

As per **claim 2,** Alameh teaches claim 1 **but is silent on** wherein said main device comprises a display and a keyboard.

Karhu teaches a wireless communications device worn on the wrist that provides both keyboard and display on the main device:

FIG. 1 discloses a radio communication device 1 in accordance to the invention. The device is built in the shape of a wristwatch and may contain the components of a wristwatch for displaying time of day. The following description does not refer to the watch functionality as long at is not related to the functions of the radio communication device 1. The radio communication device is referred to as a wrist watch phone 1 in the following. The wrist watch phone 1 according to the invention comprises a housing 7, a first and a second strap 5 with a closing mechanism 6 for attaching the wrist watch phone 1 to the wrist of a user. For enabling the watch functionality the wristwatch phone may further comprise a clock face 9 and two watch hands 10 for presenting the time of day; **AND**

The entered telephone number may be selected by pressing down the input ring 8, by shifting the input ring or pressing any other selection key which is placed on the housing 7 of the wrist phone. The mechanism to detect when the ring is pressed down or shifted is explained with reference to the drawings FIG. 7, FIG. 12 and FIG. 13 later on. (See figure 1 and C3, L59 to C4, L38).

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said main device comprises a display and a keyboard, to provide means for a user interface to be provided on the main device.

As per **claim 4,** Alameh teaches claim 2, **but is silent on** wherein said keyboard is arranged around said main device.

Karhu teaches a wireless communications device worn on the wrist that provides both keyboard and display on the main device:

The entered telephone number may be selected by pressing down the input ring 8, by shifting the input ring or pressing any other selection key which is placed on the housing 7 of the wrist phone. The mechanism to detect when the ring is pressed down or shifted is explained with reference to the drawings FIG. 7, FIG. 12 and FIG. 13 later on. (See figure 1 and C3, L59 to C4, L38).

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said keyboard is arranged around said main device, to provide dialing functionality on the main device.

Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha and further in view of Noirjean et al. US 6,874,931.

As per **claim 7,** Alameh teaches claim 1, **but is silent on** wherein said main device further comprises a powerjack for charging said battery strap.

Noirjean teaches a portable wrist-worn device containing batteries that can be recharged via an input port/powerjack:

During a recharging operation of power source 6 by a charger 20, the wristband is first of all removed from the user's wrist. Two electric contact pins of the charger, which are not shown, are inserted into the two corresponding conductive pots or sockets 10 and 11. Conductive pots or sockets 10 and 11, as well as the pins of charger 20 that have to each be inserted in a corresponding plot, have a different diameter to prevent any erroneous connection of the positive and negative terminals of charger 20 (foolproof device). Conductive pots or sockets 10 and 11 are coated with a gold plating to ensure a

better electric contact with the pins of charger 20. (See Figure 1 and C3, L35-46).

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said main device further comprises a powerjack for charging said battery strap, to provide means to charge the battery.

Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha/Noirjean and further in view of Mkhitarian US 2004/0204170.

As per **claim 8,** Alameh teaches claim 7, **but is silent on** wherein said powerjack is a phonejack.

Mkhitarian teaches a dual-use port:

Referring to FIG. 8, there is shown a bottom view of mobile phone 10 showing an electrical-communication port 46 located on the bottom of main body portion 36. Electrical-communication port can be used for recharging battery and/or connection to a automobile **recharger/hands-free unit** (not shown). (Para#39)

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said powerjack is a phonejack, to provide means for a dual-purpose port to reduce the number of inputs on the device.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha and further in view of Mkhitarian US 2004/0204170.

As per **claim 9,** Alameh teaches claim 1, **but is silent on** wherein said mobile communication device further comprises a headset.

Mkhitarian teaches a mobile phone with headset (see figure 1). Hence one would adapt the headset to be used with Alameh's wrist-worn cell phone as well.

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said mobile communication device further comprises a headset, to provide for hands-free operation.

Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha/Mkhitarian and further in view of Kashiwamura US 2002/016188.

As per **claim 10,** Alameh teaches claim 9, **but is silent on** wherein said headset is a wireless headset.

Kashiwamura (abstract and figures 1-2 and Para# 12-20) teaches a wireless headset for a mobile/cellular phone device.

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said headset is a wireless headset, to provide means for the user to not be required to be connected to the main transceiver.

Claims 11 and 13-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha and further in view of Baroche US 2002/021622.

As per **claim 11,** Alameh teaches a mobile communication device with a battery strap (figures 1-2 and C2, L51-65 teaches mobile communications device such as cell phone, two-way radio or pager),, comprising:

a main device (figure 1, #12 is the main electronic portion of the wrist-worn device);

a battery strap electrically connected to said main body for providing a battery power to said main device and worn by a user (figure 2, #32 and figure 3, also see C3, L20-28 and C4, L10 to C5, L57 which discusses the wristband battery cell); **but is silent on**

a cover having a connecting portion connected to said main body.

Baroche teaches a multifunction wristwatch with electronic device with a cover over the display (see figures 1-11 and Para#'s 16-31).

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that it has a cover having a connecting portion connected to said main body, to cover the display from damage.

As per **claim 13,** Alameh teaches claim 11, wherein said main deice is a wireless phone (C2, L61-65 teaches a cellular phone).

As per **claims 14-15,** Alameh teaches claim 11 **but is silent on** wherein said cover further comprises a display.

Baroche teaches a multifunction wristwatch with electronic device with a cover over the display (see figures 1-11 and Para#'s 16-31). See figure 11 for multiple surfaces having a display (eg. for claim 15).

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said cover further comprises a display, to provide a multi-function cover that both covers the device as well as provides a display.

As per **claim 16,** Alameh teaches claim 11, wherein said battery strap is flexible (figures 1, 2 and 4 shows the wristband/battery being flexible since it is shown bent/flexed in figures 1-2 while being straight in figure 4. The Abstract states that the battery strap is flexible).

As per **claim 17,** Alameh teaches claim 11, wherein said battery strap is a rechargeable battery (C1, L45-50 teaches rechargeable battery technology).

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha/Baroche and further in view of Karhu.

As per **claim 12,** Alameh teaches claim 11 **but is silent on** wherein said main device comprises a keyboard.

Karhu teaches a wireless communications device worn on the wrist that provides both keyboard and display on the main device:

FIG. 1 discloses a radio communication device 1 in accordance to the invention. The device is built in the shape of a wristwatch and may contain the components of a wristwatch for displaying time of day. The following description does not refer

to the watch functionality as long at is not related to the functions of the radio communication device 1. The radio communication device is referred to as a wrist watch phone 1 in the following. The wrist watch phone 1 according to the invention comprises a housing 7, a first and a second strap 5 with a closing mechanism 6 for attaching the wrist watch phone 1 to the wrist of a user. For enabling the watch functionality the wristwatch phone may further comprise a clock face 9 and two watch hands 10 for presenting the time of day; **AND**

The entered telephone number may be selected by pressing down the input ring 8, by shifting the input ring or pressing any other selection key which is placed on the housing 7 of the wrist phone. The mechanism to detect when the ring is pressed down or shifted is explained with reference to the drawings FIG. 7, FIG. 12 and FIG. 13 later on. (See figure 1 and C3, L59 to C4, L38).

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said main device comprises a keyboard, to provide a user interface.

Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha/Baroche and further in view of Noirjean.

As per **claim 18,** Alameh teaches claim 11, **but is silent on** wherein said main device further comprises a powerjack for charging said battery strap.

Noirjean teaches a portable wrist-worn device containing batteries that can be recharged via an input port/powerjack:

During a recharging operation of power source 6 by a charger 20, the wristband is first of all removed from the user's wrist. Two electric contact pins of the charger, which are not shown, are inserted into the two corresponding conductive pots or sockets 10 and 11. Conductive pots or sockets 10 and 11, as well as the pins of charger 20 that have to each be inserted in a corresponding plot, have a different diameter to prevent any erroneous connection of the positive and negative terminals of charger 20 (foolproof device). Conductive pots or

sockets 10 and 11 are coated with a gold plating to ensure a better electric contact with the pins of charger 20. (See Figure 1 and C3, L35-46).

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said main device further comprises a powerjack for charging said battery strap, to recharge a weakened battery.

Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha/Baroche/Noirjean and further in view of Mkhitarian.

As per **claim 19,** Alameh teaches claim 18, **but is silent on** wherein said powerjack is a phonejack.

Mkhitarian teaches a dual-use port:

Referring to FIG. 8, there is shown a bottom view of mobile phone 10 showing an electrical-communication port 46 located on the bottom of main body portion 36. Electrical-communication port can be used for recharging battery and/or connection to a automobile **recharger/hands-free unit** (not shown). (Para#39)

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that said powerjack is a phonejack, to provide means for a dual-purpose port to reduce the number of inputs on the device.

Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha/Baroche and further in view of Mkhitarian.

As per **claim 20,** Alameh teaches claim 11, **but is silent on** wherein said mobile communication device further comprises a headset.

Mkhitarian teaches a mobile phone with headset (see figure 1). Hence one would adapt the headset to be used with Alameh's wrist-worn cell phone as well.

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that such that said mobile communication device further comprises a headset, to provide for hands-free operation.

Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Alameha/Baroche and further in view of Kashiwamura.

As per **claim 21,** Alameh teaches claim 20, **but is silent on** wherein said headset is a wireless headset.

Kashiwamura (abstract and figures 1-2 and Para# 12-20) teaches a wireless headset for a mobile/cellular phone device.

It would have been obvious to one skilled in the art at the time of the invention to modify Alameha, such that such that said headset is a wireless headset, to provide means for the user to not be required to be connected to the main transceiver.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Boyce et al. US 3,973,706
2. Lebby et al. US 6,158,884
3. Chung US 2003/0134667
4. Charlier et al. US 6,192,253

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner